

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

GERARD J. KEATING, FRANK R.)
KREJCI, JANE KREJCI, TIMOTHY)
PETERSON, LINDA PETERSON,)
DARYL BUTTERFIELD, MAKALA)
BUTTERFIELD, and JANET A.)
KEATING, each individually)
and on behalf of all persons)
similarly situated,)

Plaintiffs,)

v.)

NEBRASKA PUBLIC POWER)
DISTRICT, NEBRASKA DEPARTMENT)
OF NATURAL RESOURCES, DENNIS)
L. RASMUSSEN, MARY A. HARDING,)
LARRY A. LINSTROM, DARRELL J.)
NELSON, EDWARD J. SCHROCK,)
KEN L. SCHMIEDING, GARY G.)
THOMPSON, LARRY G. KUNCL,)
WAYNE E. BOYD, VIRGIL L.)
FROEHLICH, RONALD W. LARSEN,)
BRIAN DUNNIGAN, and DOES)
1-100, each in their official)
capacities,)

Defendants.)

7:07CV5011

ORDER AND JUDGMENT

Pursuant to the memorandum opinion entered herein this
date,

IT IS ORDERED:

- 1) NPPD's motion for summary judgment (Filing No. [147](#))
is granted;
- 2) DNR's motion for summary judgment (Filing No. [150](#))
is granted;

3) The plaintiffs' motion for summary judgment (Filing No. [153](#)) is denied;

4) The plaintiffs' state law ultra vires claim is dismissed without prejudice; and

5) All other pending motions are moot and are denied without prejudice.

DATED this 12th day of May, 2010.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court